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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/507,496 | 08/18/2005 | Yoram Meidan | 3223-005 | 8535 |
| 22429 7590 05/22/2009 LOWE HAUPTMAN HAM & BERNER, LLP 1700 DIAGONAL ROAD SUITE 300 ALEXANDRIA, VA 22314 | | | | |
| EXAMINER HARTMANN, GARY S | | | | |
| ART UNIT 3671 | | PAPER NUMBER | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/507,496

Applicant(s)

MEIDAN, YORAM

Examiner

Gary Hartmann

Art Unit

3671

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 6, 8, 9, 12, 13 and 15-17 is/are pending in the application.
- 4a) Of the above claim(s) 8, 9, 15 and 17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6, 12, 13 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Final Drawing Review (PTO-848)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

In view of the appeal brief filed on 27 February 2009, PROSECUTION IS HEREBY REOPENED. A new grounds of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Thomas B Will/

Supervisory Patent Examiner

Art Unit 3671

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-3, 6, 13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prosenz (U.S. Patent 4,376,594) in view of Thompson (U.S. Patent 4,681,302).

As discussed in previous Office actions, Prosenz discloses a plurality of elements having the claimed shape (Figure 5). Prosenz does not teach the material different from that the main portion of the barrier to be surrounding the rod. Thompson discloses a material (40) different from the barrier to be surrounding a connecting rod (42). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the configuration of Thompson with the barrier of Prosenz in order to include a bushing, as taught by Thompson.

The bushing meets the recitations regarding the bore.

Claim 1-3, 5, 6, 13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prosenz (U.S. Patent 4,376,594) in view of Thompson (U.S. Patent 4,681,302) and Kuhn (U.S. Patent 3,711,662).

Prosenz and Thompson teach the combination described above, but do not include the materials of claim 5. Kuhn teaches coating an outer surface of a hinge part with polytetrafluoroethylene in order to reduce friction and facilitate rotation (column 8, lines 48-61). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the polytetrafluoroethylene coating of Kuhn with the rod of Prosenz/Thompson for the reasons of Kuhn.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Prosenz and Thompson or Prosenz/Thompson/Kuhn as applied above, and further in view of Smith (U.S. Patent 5,022,781).

Smith teaches a barrier having a cup lined bore (34, Figure 3) for accommodating a rod. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the cup lined bore of Smith with the barrier of Prosenz in order to strengthen the bore and/or easily manufactured the barrier having a bore therein.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Prosenz/Thompson/Smith or Prosenz/Thompson/Kuhn/Smith as applied above, and further in view of Tagg (U.S. Patent 6,837,647).

Tagg discloses optionally interconnecting barriers with a tubular pin having integral anchor members (43). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the pin of Tagg with the barrier of Prosenz in order to obtain a more secure connection, as taught by Tagg.

Response to Arguments

Applicant's arguments filed 27 February 2009 have been considered but are moot in view of the new grounds of rejection. Applicant is correct that the examiner had not addressed the challenge to the examiner's assertion that the claimed materials are well known. Kuhn has been added to demonstrate that polytetrafluoroethylene is a material known to coat on a hinge in order to lower friction and facilitate rotation. Adding this material to the Prosenz and Thompson meets

all recitations regarding energy absorption since applicant has specifically stated that this is an energy absorbing material. In other words, even though the purpose of Kuhn is different than the purpose of the present application, the material is exactly the same and has exactly the same energy absorbing qualities; therefore, the material of Kuhn meets claim recitations.

Regarding the energy absorbing material, applicant appears to be expecting far more patentable weight for this recitation than the language is entitled to. All material inherently has some energy absorbing qualities. Each different material has different energy absorbing qualities. Therefore, simply including two different materials meets claim recitations since the materials have energy absorbing characteristics that are different from one another. Even if the purpose is not the same, this is all that is needed to meet such broad recitations. Again, the additional step of adding the coating of Kuhn, which is for a different purpose, still meets claim recitations because every claimed recitation is met.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Hartmann whose telephone number is 571-272-6989. The examiner can normally be reached on Tuesday through Friday, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached on 571-272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gary Hartmann/
Primary Examiner, Art Unit 3671